

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

— against —

THOMAS J. MILLER,

Defendant.

16-cr-570 (ARR)

Not for print or electronic publication

Opinion & Order

ROSS, United States District Judge:

Defendant Thomas Miller (“Miller”) has again renewed his compassionate release motion pursuant to 18 U.S.C. § 3582(c)(1)(A). On May 8 and June 11, 2020, I denied Miller’s previous motions for compassionate release, finding that he had demonstrated no extraordinary or compelling reasons justifying a sentence modification. Opinion & Order, May 8, 2020 (“May 2020 O&O”), ECF No. 115; Opinion & Order, June 11, 2020 (“June 2020 O&O”), ECF No. 117. In the instant motion, Miller again argues that he has a cardiovascular condition constituting a COVID-19 preexisting condition for which he provides no evidence, urges me to release him so that he may care for his elderly grandparents, and asserts that the prison conditions to which he is subjected are unduly harsh. Def.’s Renewed Mot. for Compassionate Release, Aug. 4, 2020 (“Def.’s Br.”) 1–3. As I explained in two previous opinions, these circumstances do not qualify him for compassionate release. *See* May 2020 O&O 4–6; June 2020 O&O 1.

Miller also alleges that I should reduce his sentence pursuant to 18 U.S.C. § 3553(a)(7), which instructs me to consider “the need to provide restitution to any victims of the offense” when imposing a sentence. Def.’s Br. 2. He explains that he has received a lucrative job offer, which

would allow him to compensate his victims and support his family. *Id.* at 2–3. Needless to say, this situation does not justify granting compassionate release. Thus, Miller’s motion is denied.

SO ORDERED.

Dated: August 11, 2020
Brooklyn, NY

_____/s/_____
Allyne R. Ross
United States District Judge